IN THE UNITED STATES

PATENT AND TRADEMARK OFFICE

APPLICANT:	Brett Error and John Pestana
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TITLE:	CAPTURING AND PRESENTING SITE VISITATION PATH DATA
EXAMINER:	Kavita Padmanabhan
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APPEAL BRIEF

I.   <u>Real Party in Interest</u>

The subject application is owned by Omniture, Inc. of Orem, Utah.

II.   <u>Related Appeals and Interferences</u>

There are no known related appeals or interferences that may directly affect, be directly

affected by, or have a bearing on the Board's decision in the pending appeal.

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III.   Status of Claims

Claims 12-21, 33-42 and 54-63 stand finally rejected. Claims 1-11, 22-32 and 43-53 are canceled. The claims on appeal are set forth in the Claims appendix attached hereto.

IV.   Status of Amendments

The last amendment to the claims was Amendment C, filed March 29, 2007 after final rejection. Applicants received an Advisory Action dated April 12, 2007 stating that this amendment has been entered for purposes of appeal and that the amendment has overcome the 35 U.S.C. § 101 rejection of claims 54-63.

V.   Summary of Claimed Subject Matter

The claimed invention is directed to methods systems, and computer program products for capturing and presenting node sequence data. In one method, an input designating a target path comprising a sequence of nodes is received. The target path includes at least one wild card. Several embodiments of such inputs are given in the specification. For example, paragraphs [0045] to [0049] disclose using a pattern mask as an input designating a target path with wildcards. A particular target path comprising a sequence of nodes and wildcards is shown in paragraph [0049]. Figure 9B illustrates a graphical user interface to create an input designating a target path (901) with a wildcard (902D), in one embodiment.

A plurality of records comprising node sequence data are retrieved from a stored log (108). These records are filtered to identify records corresponding to node sequences that match the target path. For, example, the path given in paragraph [0049] would be filtered as specified in paragraph [0050]. Another filtering example is shown in paragraphs [0054] and [0055]. In

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this example, the target path of "B -> C -> ?" is used to filter the records shown in paragraph [0054], resulting in the records identified in paragraph [0055].

A report is created and output based on the identified records. Paragraphs [0084] to [0124] provide examples of reports. Paragraphs [0098] to [0101] describe two sample target paths with wildcards and reports (FIGS. 7 and 8) corresponding to those paths.

VI.   Grounds of Rejection to be Reviewed on Appeal

Claims 12-21, 33-42, and 54-63 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Kasriel (U.S. Patent App. Pub. 2003/0128231).

VII.   Argument

Claims 12-21, 33-42, and 54-63 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Kasriel.

Claim 12 recites, in part, receiving input designating a target path comprising a sequence of nodes, <u>the target path further comprising at least one wild card.</u> By including at least one wild card in the target path, the claimed invention provides a mechanism for filtering based on a node sequence of interest, while allowing for the possibility that other nodes may appear <u>at certain places</u> within the node sequence. These other nodes are referred to below as "tangential" nodes. As stated in the specification at paragraph [0048], each wild card can indicate that it is permissible to have any single node at the position indicated by the wild card, or that it is permissible to have zero or more nodes at the position indicated by the wild card.

For example, a target path of A, C, ?, ?, E can be designated, where ? is a wild card indicating any single node. Any path including node A as the first node, C as the second node,

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and E as the fifth node would match the target path, regardless of which nodes are presented as the third and fourth node. However, it would be a requirement that two nodes appear between C and E.

As another example, a target path of A, C, *, E can be designated, where * is a wild card indicating zero or more nodes. Any path including node A as the first node, C as the second node, and E as the last node appearing at some point after the second node would match the target path, regardless of whether or not any tangential nodes appear between C and E, and regardless of how many tangential nodes appear between C and E.

This ability to flexibly specify target paths provides enhanced functionality in capturing and presenting site visitation path data and statistics.

Kasriel, on the other hand, provides no hint or suggestion of such a technique, and is not capable of defining matching paths as described above.

Kasriel discloses a user interface that allows a user to select parameters for filtering path-analysis data so as to target specific traversals. However, the mechanism by which target paths are specified is entirely different than the wild card technique claimed herein.

Specifically, in Kasriel, the user specifies a target location of interest. The target may include all pages of a website or a set of pages of interest within a website. A particular traversal to or from the target location can also be specified. See paragraph [0033]. Examples of the types of conditions that can be specified are provided at paragraph [0035], such as: "all accesses to the web-site from 'yahoo.com' that include at least one visit to 'pages A, B, or C';" "all access to the web-site from 'yahoo.com' wherein the visitor entered the web-site via 'pages A, B, or C';" or "all accesses to the web-site from 'yahoo.com' wherein the visitor entered the web-site via 'page A', and visited 'page B or C'."

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None of these examples includes the concept of a wild card, or any equivalent concept. In fact, the wild card concept does not appear anywhere in Kasriel, nor does any equivalent concept. Accordingly, Kasriel provides no mechanism by which a target <u>path</u> can be specified including a <u>sequence of required pages</u> and allowing for additional tangential pages to be visited at specific points on the path but not at other points on the path.

For example, in the example provided above, the target path of A, C, *, E (which includes a wild card between C and E) allows for additional pages (nodes) between C and E but not between A and C. Kasriel provides no mechanism by which such a path can be specified.

In the Final Office Action, the Examiner stated that Kasriel's description at paragraph [0035] provides an example wherein a user may request "all accesses to the web-site from 'yahoo.com' wherein the visitor entered the web-site via 'page A', and visited 'page B or C'". The Examiner contends that such a description clearly teaches the concept of a wild card. On the contrary, Kasriel's description does not teach anything of the sort. Kasriel's example would generate a match when the visitor entered via a specific page (A) and visited, at some point, either page B or C. No particular target path is specified. No mechanism is provided for specifying whether or not a match can include visits to tangential page or pages.

Thus, in the example of Kasriel, any of the following paths would match, and Kasriel does not teach any mechanism to specify that some should match while others should not:

- A, D, B, F, A
- A, F, G, H, F, G, A, C
- A, B
- A, B, C, X, D, E, F, G
- A, G, F, D, X, C, B, A

Note in particular the last two paths, where the order of pages following page A is

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reversed, and where X appears as a tangential page. Kasriel provides no technique by which one

node sequence would match while the other would not, while still allowing for tangential pages

within the sequence.

By contrast, the wild-card technique claimed herein allows specification of a particular

path of interest, with allowances for tangential pages indicated by wild cards. Thus, for example,

a path of A, B, C, *, D, E, F, G could be specified, denoting a specific sequence (A through G)

but still allowing for a tangential page or pages between C and D.

Accordingly, the wild cards claimed herein provide a much greater degree of flexibility in

specifying a particular path to be matched, and in designating points along the path where

tangential pages may or may not appear while still resulting in a match. Nowhere in Kasriel is

any such matching technique taught or suggested, nor is there any hint of any other technique

that would provide as robust a pattern-matching capability.

Kasriel simply illustrates more primitive "filter conditions." Furthermore, Applicants

submit that the claimed invention, by allowing use of wild cards, can be used as part of a much

simpler and easier to use interface. Instead of forcing the user to create complex Boolean

functions that replicate or estimate wild card operations, the wild card of the claimed invention

allows the user to specify target paths in a simple, effective and efficient manner not provided by

Kasriel. As discussed above, Kasriel does not disclose the use of a general target path

comprising a sequence of nodes and wild cards.

To summarize, there is no hint or suggestion anywhere in Kasriel for any technique by

which a specific target path can be defined, along with an indication as to where (and how many)

tangential nodes are permitted to appear. Accordingly, Kasriel fails to teach or suggest the

wildcard–based technique recited in claim 12, and further fails to teach or suggest any equivalent technique.

To establish *prima facie* anticipation of a claimed invention, all claim limitations must be taught or suggested by the prior art. See MPEP §2121. On the contrary, by failing to provide any reference that describes the wild card techniques recited by the claims, the Examiner has failed to establish *prima facie* anticipation under MPEP §2121.

Therefore, it is respectfully requested that the final rejections of claims 12-21, 33-42, and 54-63 be withdrawn.

Conclusion

The Examiner has failed to establish a prima facie case that Kasriel discloses or suggests the features of claims 12-21, 33-42, and 54-63. Accordingly, it is respectfully requested that these claims be held patentable over the cited reference

Respectfully submitted,

Dated: __May 1, 2007_____   By: ____/Greg T. Sueoka/_____

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Appendix: Claims Involved in Appeal

12. A computer-implemented method for capturing and presenting node sequence data, comprising:

    receiving input designating a target path comprising a sequence of nodes, the target path further comprising at least one wild card;

    retrieving, from a stored log, a plurality of records comprising node sequence data;

    filtering the retrieved records to identify records corresponding to node sequences that match the target path; and

    outputting a report based on the identified records.

13. The method of claim 12, wherein the node sequence data comprises website visitation path data, and wherein each node corresponds to at least one web page.

14. The method of claim 13, further comprising, prior to retrieving the plurality of records:

    monitoring web page visits; and

    storing, in the log, records representing the monitored web page visits.

15. The method of claim 12, wherein the target path comprises a node corresponding to an entry point.

16. The method of claim 12, wherein the target path comprises a node corresponding to an exit point.

17. The method of claim 12, wherein outputting the report comprises outputting a report indicating relative frequencies of occurrence of node sequences.

18. The method of claim 12, wherein outputting the report comprises outputting a report indicating relative frequencies of occurrence of node sequences that match the target path.

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19. The method of claim 12, wherein outputting the report comprises outputting a graph including lines depicting node sequences, wherein a visual characteristic of the lines indicates relative frequency of occurrence of node sequences.

20. The method of claim 19, wherein the visual characteristic is thickness.

21. The method of claim 19, wherein the visual characteristic is color.

33. A system for capturing and presenting node sequence data, comprising:
    a log, for storing a plurality of records comprising node sequence data;
    an input device, for receiving input designating a target path comprising a sequence of nodes, the target path further comprising at least one wild card;
    a path analysis module, coupled to the log and to the input device, for retrieving records and for filtering the retrieved records to identify records corresponding to node sequences that match the target path; and
    an output device, coupled to the path analysis module, for outputting a report based on the identified records.

34. The system of claim 33, wherein the node sequence data comprises website visitation path data, and wherein each node corresponds to at least one web page.

35. The system of claim 34, further comprising:
    a tracking server, coupled to the log, for monitoring web page visits and for transmitting a signal to the log to store records representing the monitored web page visits.

36. The system of claim 33, wherein the target path comprises a node corresponding to an entry point.

37. The system of claim 33, wherein the target path comprises a node corresponding to an exit point.

38. The system of claim 33, wherein the output device outputs a report indicating relative frequencies of occurrence of node sequences.

39. The system of claim 33, wherein the output device outputs a report indicating relative frequencies of occurrence of node sequences that match the target path.

40. The system of claim 33, wherein the report comprises a graph including lines depicting node sequences, wherein a visual characteristic of the lines indicates relative frequency of occurrence of node sequences.

41. The system of claim 40, wherein the visual characteristic is thickness.

42. The system of claim 40, wherein the visual characteristic is color.

54. A computer program product for capturing and presenting node sequence data, comprising:
> a computer-readable storage medium; and
> computer program code, encoded on the medium, for:
> receiving input designating a target path comprising a sequence of nodes, the target path further comprising at least one wild card;
> retrieving, from a stored log, a plurality of records comprising node sequence data;
> filtering the retrieved records to identify records corresponding to node sequences that match the target path; and
> outputting a report based on the identified records.

55. The computer program product of claim 54, wherein the node sequence data comprises website visitation path data, and wherein each node corresponds to at least one web page.

56. The computer program product of claim 55, further comprising computer program code, encoded on the medium, for, prior to retrieving the plurality of records:
> monitoring web page visits; and

storing, in the log, records representing the monitored web page visits.

57. The computer program product of claim 54, wherein the target path comprises a node corresponding to an entry point.

58. The computer program product of claim 54, wherein the target path comprises a node corresponding to an exit point.

59. The computer program product of claim 54, wherein the computer program code for outputting the report comprises computer program code for outputting a report indicating relative frequencies of occurrence of node sequences.

60. The computer program product of claim 54, wherein the computer program code for outputting the report comprises computer program code for outputting a report indicating relative frequencies of occurrence of node sequences that match the target path.

61. The computer program product of claim 54, wherein the computer program code for outputting the report comprises computer program code for outputting a graph including lines depicting node sequences, wherein a visual characteristic of the lines indicates relative frequency of occurrence of node sequences.

62. The computer program product of claim 61, wherein the visual characteristic is thickness.

63. The computer program product of claim 61, wherein the visual characteristic is color.

Evidence Appendix

None.

Related Proceedings Appendix

None.